

**REMARKS**

**Status of Claims**

Without prejudice, claims 1, 10 and 19 have been amended for clarity. Specifically, the amendments make clear that the predetermined angle of the path of the laser beam is relative to perpendicular of the optical axis of the fiber. Additionally, the amendments make clear that the path crosses the optical axis as opposed to a path which, for example, rotates around the optical axis as disclosed in EP Application No. 391598.

**Allowable Subject Matter:**

Applicants gratefully acknowledge the examiner's previously finding of allowable subject matter in claims 9, 13-15 and 18, and his new finding of allowable subject matter in claim 11. Applicants wish to reassert their previous comments with respect to the allowability of claim 9.

**Claim Rejections Under 35 U.S.C. §102 and §103:**

The examiner acknowledged the applicants' arguments of patentability and even allowed claim 11, but nevertheless maintained his rejection of claims 6, 7, 10, 12, 19-21, 24, and 25. Specifically, the examiner stated that "with respect to the applicant's argument . . . that Kinoshita does not teach shaping of the end face of the fiber by cutting[,] the examiner responds that once a fiber is cut it has an end face with a shape . . . ."

In reply, applicants submit respectfully that the thrust of their previous argument with respect to Kinoshita appears to be misunderstood. Specifically, in the claimed invention, the glass is *ablated* (i.e., evaporated from solid state) by the laser beam along the predetermined path. The process of Kinoshita, in contrast, does *not* ablate the glass. Rather, it discloses a method of cutting an optical fiber in which the fiber is heated with a low-power laser and then pulled axially to part it. Purportedly, by focusing a low-power laser (i.e., 0.1 to 5 watts) on a small, "micro" area, the laser causes a rapid thermal gradient which induces significant thermal

stress in the area. Once this stress is created, the optical fiber is pulled axially, causing a crack to develop at the maximum point of thermal stress and continue across the fiber such that the fiber parts. Therefore, the object of Kinoshita is to heat the fiber to create stress points, and not to ablate or even melt the glass.

Although the examiner indicates that Kinoshita discloses sublimating the glass (p. 6, last ¶ to p. 7, first ¶) applicants have been unable to find such a disclosure. Indeed, there is no apparent motivation to modify the process of Kinoshita to ablate glass. *To the contrary*, Kinoshita teaches away from ablating the glass as set forth in the previous reply. It is well established in US patent law that there can be no motivation to modify the teaches of a reference where that reference teaches against the proposed modification. Accordingly, applicants respectfully submit that the rejection be withdrawn and the claims allowed.

An early and favorable response is earnestly solicited. Thank you.

Respectfully submitted,



Stephen J. Driscoll  
Registration No. 37,564  
Attorney for Applicant  
The Whitaker Corporation  
4550 New Linden Hill Road  
Suite 140  
Wilmington, DE 19808  
Telephone: (215) 923-4466  
Facsimile: (302) 633-2776

SJD/dl